

REMARKS/ARGUMENTS

Applicant respectfully requests that the pending claims be amended as indicated in the accompanying amended page(s), in which:

- Claim 1 is amended.

Claims 1 to 2 remain pending. Applicant submits that no new matter has been added by these amendments.

- Remarks -

35 USC §102(e)

In the instant Office Action, claim 1 remains rejected Ota (US 6,201,571). The Examiner asserts that the informational text added to the image by Ota is a "decorative graphic" as recited in claim 1.

Applicant submits for the record that such an interpretation and construction of Ota goes beyond even that of a broadest reasonable interpretation.

Whether something is decorative or not is an objective issue, and not a subjective issue. Something is decorative if it was **intended** to provide a decorative function. This is a question of fact, and not one open to subject. The only subjective issue related to the topic of decoration is whether the decoration is considered pleasing or not. A decoration may be liked by some, and disliked by others, according to their personal preference (i.e. subjective). However, there is no question that the decoration, whether liked or disliked, is decorative in nature.

The "image picking-up information" superimposed onto the image by Ota has no decorative function. It is clear from Ota that such superimposed information was never intended to enhance the attractiveness of the image, and is not being used in this manner. Regardless of whether the superimposed information is considered by some to be aesthetically pleasing, it remains the fact that the superimposed information is not a decorative graphic. At best, it may be considered a non-decorative graphic which some people may find aesthetically pleasing.

Applicant maintains that claim 1 as pending is novel over Ota for the above reasons. Not even a broad and reasonable interpretation of Ota would construe the image picking-up information as a decorative graphic.

The above notwithstanding, claim 1 is amended to recite that the decorative graphic is a decorative clip art graphic. Support for this feature is found at page 4, lines 15- 19. The image picking-up information of Ota is clearly not a decorative clip art graphic.

Claim 2 is rejected under §103(a) over Ota in view of Thorpe et al. This rejection is respectfully traversed.

Claim 2 recites a step of inserting into the digital camera a card having printed on a surface thereof a plurality of image manipulation instructions, and a step of reading the card to determine the image manipulation instructions that are printed on the surface. Thorpe et al. fail to teach or suggest such steps.

Thorpe et al. explicitly describe that the use of a digital memory card in which the camera setting data is stored. Such a digital memory card does not have printed on its surface a plurality of image manipulation instructions. It further follows that Thorpe et al. do not teach a step of reading the card to determine the image manipulation instructions that are printed on the surface of the card.

Claim 2 is hence novel and inventive over the combination of Ota and Thorpe et al.

Applicant looks forward to word of further official communication in due course.

It is respectfully submitted that all of the Examiner's objections have been successfully traversed. Accordingly, it is submitted that the application is now in condition for allowance. Reconsideration and allowance of the application is courteously solicited.

Very respectfully,

Applicant/s:



Kia Silverbrook

C/o: Silverbrook Research Pty Ltd
393 Darling Street
Balmain NSW 2041, Australia

Email: kia.silverbrook@silverbrookresearch.com
Telephone: +612 9818 6633
Facsimile: +61 2 9555 7762